

Amendments to House Bill No. 535
1st Reading Copy

Requested by Representative Gerald (Jerry) Bennett

For the House Natural Resources Committee

Prepared by Joe Kolman
March 18, 2013 (1:42pm)

1. Title, page 1, line 11.

Strike: "SECTION"**Insert:** "SECTIONS"**Following:** "77-1-208"**Insert:** "AND 77-6-303"

2. Page 2, line 5.

Strike: "and (4)(c)"

3. Page 2, line 14.

Strike: "and" through "appraisal"

4. Page 2, line 21 through page 3, line 5.

Strike: line 21 in its entirety through "landscaping." on page 3,
line 5

5. Page 3, line 6.

Insert: "Section 2. Section 77-6-303, MCA, is amended to read:

"77-6-303. Determination of compensation. (1) (a) In determining the value of the improvements described in 77-6-302, consideration must be given to their original cost, their present condition, their suitability for the uses ordinarily made of the land on which they are located, and to the general state of cultivation of the land, its productive capacity as affected by former use, and its condition with reference to the infestation of noxious weeds. Consideration must be given to all actual improvements and to all known effects that the use and occupancy of the land have had upon its productive capacity and desirability for the new lessee.

~~(2)(b)~~ However, if any of the improvements consist of the original plowing of the land and 1 year's crops have been raised on the land after the plowing, the compensation for the improvement may not exceed \$2.50 per acre, and if two or more crops have been raised on the land after the original plowing, the original plowing may not be considered as an improvement to the land.

(2) In determining the value and disposition of cabin site improvements described in 77-1-208:

(a) an owner of cabin site improvements on an unleased cabin site lot shall submit to the department a market value appraisal

on the improvements from a Montana licensed and certified general appraiser:

(i) within 6 months of [the effective date of this act] for all improvements on unleased cabin site lots on [the effective date of this act]; or

(ii) after [the effective date of this act], within 6 months of the cancellation of a lease;

(b) if an appraisal is not submitted pursuant to subsection (2)(a) or if the appraisal is not updated annually by the owner of the cabin site improvements, the owner shall authorize the department to contract for an appraisal, agree to allow access to the improvements, and pay a fee to the department for the cost of the appraisal;

(c) the department shall review appraisals for compliance with the Uniform Standards of Professional Appraisal Practice;

(d) an owner of cabin site improvements shall accept the appraised market value but may not inhibit the re-leasing or sale of the lot;

(e) ownership of the cabin site improvements remains with the owner of record provided that payment of property taxes is current. If property taxes on the improvements are in arrears, the owner of record shall remove the improvements or transfer ownership to the state.

(f) if ownership of the improvements transfers to the state, the board shall set conditions of the sale of transferred improvements in order to sell the improvements in an expedient manner and distribute the proceeds to the owner of record; and

(g) if the owner of record cannot be located, the state may initiate proceedings to assume ownership of the improvements, sell the improvements, and retain the proceeds.

(3) For purposes of this section, "cabin site improvements" includes but is not limited to:

(a) a home or residence;

(b) outbuildings and structures;

(c) sleeping cabins;

(d) utilities;

(e) water systems;

(f) septic systems;

(g) docks; and

(h) landscaping."

{ Internal References to 77-6-303:

77-1-208x 77-2-206 x 77-2-325 x}"

- END -